

DRAFT**Purpose of the Legislation**

This proposal would provide specific authority in the application of the Missing Persons Act (MPA) to persons in the Federal service whose accounts and affairs are determined under the Act, during those periods when a state of war does not exist. It would clarify the definition of missing person by identifying as an additional category, those persons who are detained against their will by a foreign power, and would clarify other administrative matters pertaining to the affairs of such individuals.

The MPA now provides, among other things, for continuation of pay and allowances of persons "officially determined to be absent in a status of missing, missing in action, interned in a foreign country, captured by a hostile force, beleaguered by a hostile force, or besieged by a hostile force." All of these terms, with the possible exception of the word "missing" standing alone, if treated literally, would imply a condition of declared war. Today a person engaged in "cold war" or other governmental activity may be apprehended and held, or tried by a foreign power, with a lengthy prison term to be served in the foreign country. Specified coverage is recommended, therefore, for personnel who disappear under other than battle conditions.

In current administration of the Act, persons are classified as "missing" whenever the circumstances do not relate to one of the other listed categories. Although it is felt to be clearly within the intent of the Act and the authority delegated therein to the head of the department concerned,

an administrative anomaly is created thereby. The two Air Force officers who were recently released by the Soviets were carried in a missing status during their detention, although their whereabouts was known.

These situations were evidently not foreseen when the MPA was enacted. Our present interest is in obtaining clear authority for providing all the benefits of the MPA to those personnel who may be detained by a foreign power. There is no increase in benefits involved. Rather, this is a request for clarification of what is felt to be the original intent of the MPA with respect to coverage.

Cost and Budget Data

The passage of this legislation will not increase costs to the DOD since we are presently applying the MPA to persons who are carried as "missing."